

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY** )  
**COMMISSION,** )  
 )  
 **Applicant,** )  
 )  
**v.** )  
 )  
**DOLGENCORP,** )  
 )  
 **Respondent.** )

**CIVIL ACTION NO.  
1:07-cv-06672**

---

**MOTION TO STAY MAGISTRATE JUDGE’S ORDER**

---

Respondent Dolgencorp, Inc. (“Dolgencorp”) moves this Court to stay Magistrate Judge Schenkier’s February 12, 2008 order granting the Equal Employment Opportunity Commission’s (“EEOC”) application to enforce an administrative subpoena.

Good cause exists for this motion. The EEOC instituted this action seeking enforcement of an administrative subpoena it served on Dolgencorp, Inc. Chief Judge James F. Holderman referred the matter to Magistrate Schenkier. On February 12, 2008, Magistrate Schenkier granted the relief sought by the EEOC and enforced a revised version of the subpoena.

Magistrate Schenkier’s order is dispositive of the entire matter before the Court. As such, it must be treated as a report and recommendation, which does not become effective until a final order is entered by the District Judge.

Thus, Dolgencorp requests that the Court stay Magistrate Schenkier's order until Dolgencorp has had an opportunity to file objections, as permitted by 28 U.S.C. § 636(b)(1), and the district court has entered a final order in this matter.

Counsel for Respondent has consulted with the EEOC, and the EEOC opposes this motion.

Respectfully Submitted,

By: s/Thomas L. Henderson

Thomas L. Henderson (TN Bar No. 11526)

Kristy L. Gunn (TN Bar No. 22821)

OGLETREE, DEAKINS, NASH,

SMOAK & STEWART, P.C.

6410 Poplar Avenue, Ste. 300

Memphis, Tennessee 38119

Telephone: (901)767-6160

Email: [Thomas.Henderson@ogletreedeakins.com](mailto:Thomas.Henderson@ogletreedeakins.com)

Email: [Kristy.Gunn@ogletreedeakins.com](mailto:Kristy.Gunn@ogletreedeakins.com)

Michael D. Ray

OGLETREE, DEAKINS, NASH

SMOAK & STEWART

20 South Clark Street, 25th Floor

Chicago, IL 60603

Telephone: 312-558-1220

Fax: 312-807-3619

Email: [michael.ray@odnss.com](mailto:michael.ray@odnss.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of February, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

Jeanne Szromba  
Diane Smason  
John Hendrickson  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
500 West Madison Street  
Suite 2800  
Chicago, Illinois 60661

AUSA  
219 South Dearborn Street  
Suite 500  
Chicago, IL 60604

s/Thomas L. Henderson